

INGE KRUSE ET AL.
USSN 09/980,388

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

Claims 12 – 28 are pending. Claims 1-11 are canceled and recast as new claims 12 – 28, in response to the rejections under 35 U.S.C. 112, second paragraph, and 35 U.S.C. 101. It is believed that no new matter has been added. For the Examiner's convenience, the old (previous) and new claims are listed below:

New Claim	Old Claim
12	1,4
13	2
14	1
15	3

INGE KRUSE ET AL
USSN 09/980,388

16	3
17	3
18	5
19	6
20	6
21	6
22	7
23	8
24	9
25	9
26	10
27	10
28	10

Rejections under 35 U.S.C. 112, second paragraph

The Examiner rejected claims 1-11 under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner found there were no method steps recited in the claims. In response, Applicants have now amended the claims to recite such active, positive steps.

For the record, Applicants emphasize that although the claims were amended to overcome this rejection, and, therefore, might be considered to have been amended for a reason substantially related to patentability, a fair reading of the amended claims will reveal that the departures from the previous claims were for clarification purposes only, and that Applicants did not narrow the claims in any material respect. Therefore, Applicants submit that the amended claims are entitled to the full range of equivalents.

INGE KRUSE ET AL.
USSN 09/980,388

In view of the foregoing, Applicants submit that the Examiner would be fully justified to reconsider and to withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.

Rejections under 35 U.S.C. 101

The Examiner rejected claims 1-11 under 35 U.S.C. 101 for not setting forth any steps involved in the process. In response, Applicants have now amended the claims to recite positive, active steps.

In view of the foregoing, Applicants submit that the Examiner would be fully justified to reconsider and to withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.

Conclusion

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.


Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

INGE KRUSE ET AL.
USSN 09/980,388

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.


By 
David D. Kim
Reg. No. 53,123

220 East 42nd Street
30th Floor
New York, New York 10017
(212) 808-0700

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment under 37 CFR § 1.111 and the attached Amendment to the Claims (9 pages total) are being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: April 18, 2003

By 
David D. Kim

INGE KRUSE ET AL
USSN 09/980,388

AMENDMENTS TO THE CLAIMS

Claims 1 – 11 (canceled).

Rule 12b
~~11~~ 12. (New) A method for preventing or alleviating sunburn of skin, said method comprising topically applying to skin an effective amount therefor of a cosmetic or dermatological composition comprising an anti-sunburn effective amount of a combination of:

- a) ascorbic acid and/or at least one ascorbyl compound; and
- b) at least one flavone derivative and/or flavanone derivative.

~~12~~ 13. (New) The method of claim 12, wherein the at least one flavone derivative and/or flavanone derivative is chosen from the group consisting of flavones, flavonones, and flavonoids.

~~13~~ 14. (New) The method of claim 13, wherein the at least one flavone derivative and/or flavanone derivative is chosen from the group consisting of flavonoids.

~~14~~ 15. (New) The method of claim 12, wherein the at least one flavone derivative and/or flavanone derivative is/are present in the cosmetic or dermatological composition in a concentration of 0.01-10% by weight based on the total weight of the composition.

~~15~~ 16. (New) The method of claim 15, wherein the concentration is 0.05 – 5% by weight based

INGE KRUSE ET AL
USSN 09/080,388

on the total weight of the composition.

16
17.

(New)

The method of claim 15, wherein the concentration is 0.1 – 2.0% by weight based on the total weight of the composition.

17
18.

(New)

The method of claim 12, wherein the at least one ascorbyl compound is chosen from the group consisting of ascorbyl palmitate, sodium ascorbyl phosphate, magnesium ascorbyl phosphate, zinc ascorbyl phosphate and ascorbyl 2-glucose.

18
19.

(New)

The method of claim 12, wherein the ascorbic acid and at least one ascorbyl compound is/are present in the cosmetic or dermatological composition in a concentration of 0.001-10% by weight based on the total weight of the composition.

19
20.

(New)

The method of claim 19, wherein the concentration is 0.05-5% by weight based on the total weight of the composition.

20
21.

(New)

The method of claim 19, wherein the concentration is 0.1-2.0% by weight based on the total weight of the composition.

21
22.

(New)

The method of claim 12, wherein the at least one flavone derivative and/or

INGE KRUSE ET AL.
USSN 09/980,388

flavanone derivative is at least α -glucosylrutin.

22
23. (New)

The method of claim 12, wherein the cosmetic or dermatological composition further comprises at least one complexing agent.

23
24. (New)

The method of claim 23, wherein the at least one complexing agent is/are chosen from the group consisting of tartaric acid and anions thereof, citric acid and anions thereof, and aminopolycarboxylic acids and anions thereof.

24
25. (New)

The method of claim 24, wherein the aminopolycarboxylic acids and anions thereof are selected from the group consisting of ethylenediaminetetraacetic acid and anions thereof, nitrilotriacetic acid and anions thereof, hydroxyethylenediaminotriacetic acid and anions thereof, diethylenediaminopentaacetic acid and anions thereof, and trans-1,2-diaminocyclohexanetetraacetic acid and anions thereof.

25
26. (New)

The method of claim 23, wherein the at least one complexing agent is/are present in the cosmetic or dermatological composition in an amount of from 0.01% by weight to 10% by weight based on the total weight of the composition.

26
27. (New)

The method of claim 26, wherein the amount is from 0.05% by weight to 5% by

INGE KRUSE ET AL
USSN 09/980,388

weight based on the total weight of the composition.

27

26. (New)

The method of claim 26, wherein the amount is from 0.1% by weight to 2% by weight based on the total weight of the composition.